



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,345	08/18/2005	Alfred Kuttenger	10191/3715	5477

26646 7590 02/20/2008  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
----------

LAI, ANNE VIET NGA

ART UNIT	PAPER NUMBER
----------	--------------

2612

MAIL DATE	DELIVERY MODE
-----------	---------------

02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/520,345

Applicant(s)

KUTTENBERGER ET AL.

Examiner

Anne V. Lai

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by **Koike** [US 7,287,884].

In claim 1, **Koike** discloses an in-vehicle device (20, 100, 200, figs. 1, 12, 18) for monitoring the environment around the vehicle, comprising:

an environment sensor system having a predetermined detection range (front, rear, or sides of vehicle) (image capture devices 44, cameras 46 and 64, fig. 18, col. 22, l. 26-29); and

an analyzer module (Beam ECU 32, fig. 18) for analyzing a signal of the environment sensor system, wherein the analyzer module selects and tracks at least one object in the predetermined detection range by determining an attention range as a function of at least one predetermined parameter (projected on the road visible light patterns (radiators 24) and invisible light patterns (auxiliary radiators 42) of different lengths and areas based on vehicle speeds, kinetics, steering angles, driver concentration, etc., see cols. 7-10 and 21-27, figs. 2, 7, and 18-22).

In claim 7, **Koike** discloses the predetermined parameter may be a curve radius (fig. 7).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koike** in view of **Recknagel** (previously provided).

In claim 7, **Koike** does not disclose the predetermined parameter includes a relative speed or a direction of the relative speed. **Recknagel** teaches an in-vehicle device comprising an environment sensor (precrash sensors 1 and 2, fig. 1) for monitoring a relative speed or a direction of the relative speed of an approaching object or vehicle (par. 14). It would have been obvious the environment sensor of **Koike** could have sensing functions as taught by **Recknagel** to provide an efficient attention range and therefore enhance safety in driving a vehicle.

In claims 8-10, **Koike** discloses the analyzer module (Beam ECU 32) is connected to a restraint unit (brake and steering) associated with the vehicle, and the analyzer module (ECU 32) triggering the restraint unit as a function of tracking of the object (col. 24, l. 23-33); **Recknagel** teaches the restraint unit could be a reversible seatbelt tightening system 4 or an extensible bumper 6 (fig. 1, par. 13 and 22).

In claim 11, **Koike** discloses alarm and restraint unit are activated at a predetermined range (col. 24, l. 1-33; figures 25C-25D show the intersection point of the visible pattern and the invisible light pattern where the alarm and the restraint unit are being activated). **Recknagel** teaches the restraint unit is triggered at threshold distance of 1.5 m (par. 24). It would have been obvious a threshold distance could have been set as design choice to best protection of the vehicle driver.

(See also **Nishitani** (col. 11, l. 12-25) or **Rao** (col. 3, l. 1-col. 4, l.24) provided in the previous office action for threshold distances in combination with **Koike**).

#### ***Response to Arguments***

5. Applicant's arguments, see Remarks, filed February 4, 2008, with respect to the rejection(s) of claim(s) 6-11 under 35 U.S.C. 103(a) as being unpatentable over **Recknagel** in view of **Nishitani** or **Rao** have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Koike**. See office action above.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bisland [US 3,420,572].
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981, or acting supervisor Goins Davetta at 571-272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
10/520,345  
Art Unit: 2612

Page 6

AVL  
2/16/2008

*Davetta W. Goins*  
**DAVETTA W. GOINS**  
**PRIMARY EXAMINER**